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ANNUAL REPORT OF THE MONTANA JUDICIARY

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Dear Fellow Montanan:

I am pleased to provide this Annual Report of the Montana Judiciary for the year 2000. It contains basic information about all three levels of the judicial branch of government here in Montana, beginning with the Courts of Limited Jurisdiction--which handle the vast majority of legal proceedings in our state, through the District Courts--which decide felony criminal cases and all manner of civil cases, to the Montana Supreme Court--which has the most lasting impact on the law. Case loads are high in all levels of the Montana judiciary, but you can be assured your judges and their capable staffs are dedicated to providing all Montanans with the access to justice, and the administration of justice without delay, to which you are entitled by the Montana Constitution.

Montana judges at all levels also recognize that, as the late United States Supreme Court Justice Thurgood Marshall said, "The only real power we have as judges is the respect of the people." We intend to work to maintain your trust and respect by providing more information about our work, how we do it and why it matters through every appropriate means. Indeed, we hope to have a Montana Courts website on line by the end of this year so that more and better information about your courts is readily available to you. Here at the Supreme Court, we also hope to take more oral argument cases "on the road" to places other than just the largest cities, so that people across Montana can see how their highest court differs from trial courts and can, in fact, have an opportunity to meet and visit with all of us. As a first step, we will hear a case in Lewistown this September.

I hope you find this 2000 Annual Report of the Montana Judiciary useful in understanding the third branch of your state government.

Sincerely,

A handwritten signature in cursive ink, appearing to read "Karla M. Gray".

Karla M. Gray
Chief Justice



The Montana Supreme Court

Justice Patricia O. Cotter * Justice W. William Leaphart * Justice Jim Regnier

Chief Justice Karla M. Gray

Justice James C. Nelson * Justice Jim Rice * Justice Terry N. Trieweiler

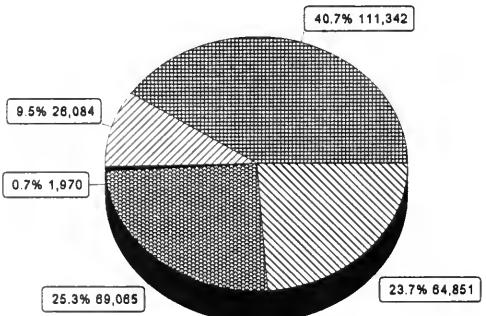
Courts of Limited Jurisdiction

Courts of Limited Jurisdiction are Justice Courts, City Courts and Municipal Courts and Montanans are currently served by 70 Justice Courts, 83 City Courts and 5 Municipal Courts. While the jurisdiction of these courts differs, between them they address cases involving local ordinances; residential and commercial landlord/tenant disputes, forcible entry and detainer; collection of certain taxes, fees and assessments; misdemeanor criminal charges; and many other matters. In addition, small claims courts for seeking money or property valued at no more than \$3,000 exist across Montana as divisions of the Justice Courts

Judges of the Justice and Municipal Courts must be elected; City Court judges may be elected or appointed. All judges of these Courts of Limited jurisdiction serve four-year terms. Justice and City Court Judges are not required to be attorneys; Municipal Court Judges must be licensed attorneys. All judges of Courts of Limited Jurisdiction are required to attend two Supreme Court-supervised training courses each year.

Courts of Limited Jurisdiction Caseload Totals

Total Cases Filed - 273,312



- Criminal
- Civil
- Small Claims
- Speed/Seatbelt
- Other

| REPORTED 2000 CASeload STATISTICS BY COUNTY | | | | | |
|---|-------------------|----------------|---------------|--------------|----------------|
| COUNTY | TOTAL CASES FILED | CRIMINAL | CIVIL | SMALL CLAIMS | SPEED/SEATBELT |
| BEAVERHEAD | 3,687 | 199 | 208 | 12 | 1,339 |
| BIG HORN | 2,802 | 1,249 | 66 | 25 | 212 |
| BLAINE | 1,786 | 302 | 39 | 15 | 776 |
| BROADWATER | 1,950 | 303 | 86 | 9 | 1,157 |
| CARBON | 3,430 | 165 | 214 | 24 | 1,530 |
| CARTER | 162 | 4 | 8 | 4 | 118 |
| CASCADE | 30,830 | 26,701 | 2,924 | 181 | 1,685 |
| CHOUTEAU | 1,653 | 119 | 42 | 18 | 943 |
| CUSTER | 4,925 | 3,260 | 254 | 158 | 2,580 |
| DANIELS | 321 | 5 | 8 | 26 | 168 |
| DAWSON | 3,327 | 140 | 239 | 26 | 1,884 |
| DEER LODGE | 3,358 | 481 | 278 | 123 | 1,135 |
| FALLON | 469 | 33 | 47 | 34 | 191 |
| FERGUS | 2,556 | 28 | 263 | 41 | 766 |
| FLATHEAD | 22,200 | 14,080 | 2,996 | 1 | 2,762 |
| GALLATIN | 19,594 | 3,373 | 1,635 | 3 | 5,185 |
| GARFIELD | 537 | 2 | 12 | 2 | 395 |
| GLACIER | 2,468 | 148 | 113 | 19 | 894 |
| GOLDEN VALLEY | 603 | 584 | 12 | 6 | 321 |
| GRANITE | 1,735 | 32 | 78 | 4 | 917 |
| HILL | 6,329 | 195 | 423 | 2 | 1,680 |
| JEFFERSON | 3,573 | 296 | 123 | 19 | 1,901 |
| JUDITH BASIN | 1,636 | 42 | 33 | 6 | 965 |
| LAKE | 5,408 | 480 | 494 | 0 | 1,441 |
| LEWIS & CLARK | 14,677 | 10,117 | 1,641 | 9 | 1,757 |
| LIBERTY | 102 | 17 | 7 | 5 | 6 |
| LINCOLN | 4,218 | 1,867 | 353 | 123 | 686 |
| MADISON | 1,197 | 148 | 98 | 11 | 440 |
| MC CONE | 595 | 332 | 12 | 3 | 364 |
| MEAGHER | 399 | 4 | 14 | 3 | 145 |
| MINERAL | 4,219 | 219 | 101 | 28 | 2,185 |
| MISSOULA | 31,616 | 5,978 | 2,568 | 149 | 6,866 |
| MUSSELSHELL | 1,665 | 13 | 104 | 9 | 761 |
| PARK | 4,164 | 399 | 398 | 0 | 1,601 |
| PETROLEUM | 240 | 4 | 1 | 0 | 168 |
| PHILLIPS | 828 | 38 | 59 | 0 | 416 |
| MONTEZUMA | 1,874 | 86 | 105 | 16 | 1,061 |
| POWDER RIVER | 963 | 16 | 10 | 7 | 594 |
| POWELL | 2,692 | 2,496 | 227 | 78 | 886 |
| PRAIRIE | 685 | 4 | 12 | 3 | 487 |
| RAVALLI | 8,247 | \$2,727 | 1,205 | 22 | 2,998 |
| RICHLAND | 2,096 | 47 | 162 | 33 | 857 |
| ROOSEVELT | 1,811 | 109 | 80 | 10 | 983 |
| ROSEBUD | 2,904 | 75 | 89 | 15 | 1,463 |
| SANDERS | 3,080 | 2,350 | 232 | 0 | 579 |
| SHERIDAN | 609 | 92 | 46 | 46 | 302 |
| SILVER BOW | 7,502 | 884 | 1,320 | 148 | 1,780 |
| STILLWATER | 2,707 | 50 | 216 | 23 | 1,318 |
| SWEET GRASS | 1,993 | 20 | 64 | 7 | 1,248 |
| TETON | 1,071 | 104 | 97 | 28 | 540 |
| TOOLE | 2,442 | 72 | 84 | 22 | 831 |
| TREASURE | 1,160 | 0 | 6 | 6 | 898 |
| VALLEY | 2,020 | 128 | 113 | 32 | 978 |
| WHEATLAND | 841 | 22 | 25 | 17 | 540 |
| WIBAUX | 640 | 3 | 18 | 6 | 268 |
| YELLOWSTONE | 38,716 | 28,155 | 6,022 | 353 | 4,114 |
| TOTAL | 273,312 | 111,342 | 26,084 | 1,970 | 69,065 |

District Courts

Montanans are served by 56 District Courts. These courts are organized into 22 judicial districts and are served by 40 District Judges. The 2001 Legislature authorized 2 additional judges, 1 for the Eighth Judicial District, Cascade County, and 1 for the Twenty-First Judicial District, Ravalli County. Those judges will be elected in 2002 and take office in January of 2003.

District Courts are courts of original and appellate jurisdiction. Original jurisdiction incorporates all felony cases, all probate cases, most civil cases at law and in equity, certain special actions and proceedings, all civil actions that might result in a finding against the state for the payment of money, naturalization proceedings, various writs and some narrowly-defined ballot issues. District Court appellate jurisdiction exists over cases arising initially in the state's Courts of Limited Jurisdiction only as prescribed by law and the Montana Constitution.



DISTRICT COURT INFORMATION

| JUDICIAL DISTRICT | DISTRICT JUDGES | DISTRICT COURT CLERKS | COUNTIES IN DISTRICT | AREA IN SQ. MILES | *POP. |
|-------------------|--|--|--|-------------------|---------|
| 1 | Thomas C. Honzel Dorothy McCarter Jeffrey M. Sherlock | Judy Gillespie Nancy Sweeney | Broadwater Lewis & Clark | 4,669 | 60,101 |
| 2 | Kurt Kueger John W. Whelan | Lori A. Maloney | Silver Bow | 715 | 34,606 |
| 3 | Ted L. Mizner | Susan McNeil Beverly L. Kulaski Sharon Applegate | Deer Lodge Granite Powell | 4,888 | 19,427 |
| 4 | Douglas G. Harkin John S. Henson John W. Larson Edward P. McLean | Cheryle Demmons Kathleen "Kade" Breuer | Mineral Missoula | 3,834 | 99,686 |
| 5 | Loren Tucker | Sheila Brunkhorst Marilyn J. Craft Bundy K. Bailey | Beaverhead Jefferson Madison | 10,731 | 26,102 |
| 6 | William Nels Swandal | June Little Deanna Novotny | Park Sweet Grass | 4,466 | 19,303 |
| 7 | Richard A. Simonton Richard G. Phillips | Ardelle Adams Trudy Kirkegard Lisa Kimmet Arlene Riggs Michael W. Schneider | Dawson McCone Prairie Richland Wibaux | 9,676 | 22,970 |
| 8 | Julie Macek Thomas M. McKittrick Kenneth R. Neill | Nancy J. Morton | Cascade | 2,661 | 80,357 |
| 9 | Marc G. Buyske | Diane D. Anderson Antia Vandolah Emile Kimmel Sandra Peers | Glacier Pondera Teton Toole | 8,853 | 31,383 |
| 10 | E. Wayne Phillips | Phyllis D. Smith Julie Anderson Mary Brindley | Fergus Judith Basin Petroleum | 7,777 | 14,715 |
| 11 | Katherine R. Curtis Ted O. Lymphus Stewart Stadler | Peg L. Allison | Flathead | 5,137 | 74,471 |
| 12 | John Warner | Larry R. Stollfuss Dena Trippets Anne Sendlitz-Melton | Chouteau Hill Liberty | 8,293 | 24,801 |
| 13 | Diane G. Barz G. Todd Baugh Russell C. Fagg Gregory R. Todd Susan P. Watters | Jean A. Thompson | Yellowstone | 2,642 | 129,352 |
| 14 | Randal I. Spaulding | Kathleen Ott Joyce Wofford Connie Matfield Janet Hill | Golden Valley Meagher Musselshell Wheatland | 6,837 | 9,730 |
| 15 | David Cybulski | Patricia McDonnell Patricia Stennes Cheryl A. Olson | Daniels Roosevelt Sheridan | 5,501 | 16,742 |
| 16 | Joe L. Hegel Gary L. Day | Carole Carey Bernice Matthews Jerrie Newell Connie Nielsen Aletta Shannon Marilyn Hollister Ruth Baker | Carter Custer Falon Garfield Powder River Rosebud Treasure | 22,480 | 29,274 |
| 17 | John C. McKeon | Kay O'Brien Johnson Frances M. Webb Patricia A. Hill | Blaine Phillips Valley | 14,499 | 19,285 |
| 18 | Michael Salvagni Mark Guenther | Lorraine Van Ausdol | Gallatin | 2,517 | 37,831 |
| 19 | Michael Prezeau | Nadine Pival | Lincoln | 3,714 | 18,837 |
| 20 | C. B. McNeil | Katherine E. Pedersen Deborah Kim Christophe/Dianne Rummel | Lake Sanders | 4,268 | 36,734 |
| 21 | Jeffrey N. Langton | Debbie Harmon | Ravalli | 2,382 | 36,070 |
| 22 | Blair Jones | Janice Heath Gayle M. Strauburg Jean Bare | Big Horn Carbon Stillwater | 8,883 | 30,418 |

*Estimated 2000 Figures

**2000 DISTRICT COURT STATISTICS - BY DISTRICT
CASE FILINGS**

| Judicial District | Adoption | Criminal | Civil | Mentally Ill/ Dev. Disabled | Paternity | Guard./ Conserv. | Juvenile | Dep./Neg. Children | Probate | Domestic Relations | 2000 Totals | 1999 Totals | Difference |
|-------------------|----------|----------|-------|--------------------------------|-----------|---------------------|----------|-----------------------|---------|-----------------------|----------------|----------------|------------|
| 1 | 69 | 499 | 1,075 | 132 | 1 | 69 | 244 | 62 | 173 | 1,068 | 3,392 | 3,936 | -544 |
| 2 | 24 | 266 | 315 | 94 | 6 | 39 | 63 | 175 | 114 | 286 | 1,392 | 1,239 | 153 |
| 3 | 13 | 145 | 221 | 126 | 2 | 18 | 54 | 20 | 71 | 131 | 821 | 771 | 100 |
| 4 | 59 | 568 | 1,110 | 63 | 2 | 177 | 133 | 40 | 224 | 743 | 3,119 | 3,346 | -227 |
| 5 | 21 | 173 | 211 | 8 | 0 | 9 | 28 | 18 | 67 | 138 | 673 | 680 | -7 |
| 6 | 16 | 151 | 192 | 12 | 0 | 22 | 19 | 15 | 93 | 154 | 683 | 724 | -41 |
| 7 | 17 | 98 | 139 | 34 | 5 | 23 | 19 | 9 | 129 | 153 | 617 | 746 | -129 |
| 8 | 63 | 579 | 1,123 | 20 | 12 | 86 | 202 | 24 | 259 | 586 | 3,039 | 3,348 | -309 |
| 9 | 13 | 188 | 202 | 2 | 0 | 13 | 40 | 17 | 129 | 151 | 762 | 852 | -90 |
| 10 | 14 | 93 | 129 | 6 | 1 | 20 | 14 | 22 | 67 | 82 | 453 | 549 | -96 |
| 11 | 55 | 499 | 780 | 61 | 15 | 64 | 129 | 53 | 191 | 697 | 2,544 | 2,729 | -185 |
| 12 | 19 | 127 | 180 | 15 | 5 | 13 | 71 | 23 | 133 | 121 | 839 | 896 | -57 |
| 13 | 124 | 1,353 | 1,357 | 178 | 26 | 106 | 419 | 217 | 301 | 1,349 | 5,430 | 6,022 | -592 |
| 14 | 5 | 54 | 120 | 6 | 0 | 11 | 25 | 15 | 56 | 62 | 343 | 356 | -13 |
| 15 | 14 | 23 | 130 | 2 | 0 | 11 | 25 | 4 | 94 | 40 | 343 | 395 | -52 |
| 16 | 10 | 180 | 203 | 10 | 11 | 25 | 27 | 41 | 126 | 172 | 815 | 949 | -134 |
| 17 | 9 | 66 | 145 | 3 | 0 | 18 | 28 | 2 | 92 | 81 | 450 | 503 | -53 |
| 18 | 40 | 372 | 667 | 39 | 1 | 26 | 55 | 24 | 132 | 572 | 1,943 | 1,865 | 78 |
| 19 | 16 | 148 | 185 | 8 | 0 | 19 | 65 | 33 | 52 | 166 | 692 | 821 | -129 |
| 20 | 19 | 271 | 329 | 2 | 0 | 30 | 51 | 31 | 107 | 323 | 1,163 | 1,321 | -158 |
| 21 | 22 | 268 | 436 | 14 | 1 | 42 | 93 | 30 | 82 | 241 | 1,229 | 1,119 | 110 |
| 22 | 13 | 198 | 210 | 12 | 1 | 16 | 30 | 32 | 104 | 133 | 749 | 849 | -100 |
| TOTAL | 663 | 6,394 | 9,465 | 922 | 94 | 882 | 1,844 | 993 | 2,787 | 7,514 | 31,545 | 34,086 | -2541 |

**AVERAGE NUMBER OF CASE FILINGS PER JUDGE
IN EACH JUDICIAL DISTRICT
2000**

| Judicial District | No. of Judges per District | 2000 Average No. of Cases per Judge | '99 Average No. of Cases per Judge | 2000 Statewide Ranking No. of Cases Per Judge |
|-------------------|----------------------------|-------------------------------------|------------------------------------|---|
| 1 | 3 | 1131 | 1312 | 2 |
| 2 | 2 | 696 | 620 | 12 |
| 3 | 1 | 871 | 771 | 6 |
| 4 | 4 | 780 | 837 | 9 |
| 5 | 1 | 673 | 680 | 15 |
| 6 | 1 | 683 | 724 | 14 |
| 7 | 2 | 309 | 373 | 22 |
| 8 | 3 | 1013 | 1116 | 4 |
| 9 | 1 | 762 | 852 | 10 |
| 10 | 1 | 455 | 549 | 17 |
| 11 | 3 | 848 | 1365 | 7 |
| 12 | 1 | 839 | 896 | 8 |
| 13 | 5 | 1086 | 1388 | 3 |
| 14 | 1 | 345 | 356 | 20 |
| 15 | 1 | 343 | 395 | 21 |
| 16 | 2 | 408 | 475 | 19 |
| 17 | 1 | 450 | 503 | 18 |
| 18 | 2 | 972 | 933 | 5 |
| 19 | 1 | 692 | 821 | 13 |
| 20 | 2 | 582 | 1321 | 16 |
| 21 | 1 | 1229 | 1119 | 1 |
| 22 | 1 | 749 | 849 | 11 |

**2000 DISTRICT COURT STATISTICS - BY DISTRICT
CASE DISPOSITIONS**

| Judicial District | Adoption | Criminal | Civil | Mentally Ill/ Dev. Disabled | Paternity | Guard./ Conserv. | Juvenile | Dep./Neg. Children | Probate | Domestic Relations | 2000 Totals | 1999 Totals | Difference |
|-------------------|----------|----------|-------|--------------------------------|-----------|---------------------|----------|-----------------------|---------|-----------------------|----------------|----------------|------------|
| 1 | 61 | 473 | 1,014 | 134 | 2 | 23 | 242 | 58 | 134 | 985 | 3,126 | 3,646 | -520 |
| 2 | 29 | 234 | 272 | 46 | 3 | 16 | 54 | 150 | 162 | 251 | 1,277 | 1,167 | 110 |
| 3 | 8 | 116 | 162 | 154 | 1 | 26 | 35 | 9 | 82 | 102 | 200 | 853 | 113 |
| 4 | 42 | 363 | 1,006 | 48 | 4 | 102 | 129 | 44 | 186 | 761 | 2,692 | 4,169 | -1477 |
| 5 | 24 | 151 | 210 | 13 | 0 | 18 | 32 | 22 | 65 | 126 | 661 | 532 | 69 |
| 6 | 13 | 127 | 167 | 13 | 0 | 7 | 13 | 2 | 68 | 141 | 518 | 649 | -91 |
| 7 | 18 | 98 | 131 | 15 | 3 | 13 | 30 | 11 | 87 | 157 | 583 | 775 | -192 |
| 8 | 42 | 630 | 1,101 | 15 | 21 | 19 | 223 | 86 | 249 | 544 | 2,936 | 4,478 | -1542 |
| 9 | 9 | 151 | 165 | 1 | 2 | 9 | 35 | 16 | 104 | 140 | 634 | 821 | -187 |
| 10 | 10 | 113 | 147 | 6 | 2 | 20 | 13 | 26 | 20 | 104 | 521 | 540 | -19 |
| 11 | 56 | 381 | 1,299 | 56 | 8 | 32 | 131 | 21 | 183 | 651 | 2,888 | 2,423 | 465 |
| 12 | 13 | 173 | 186 | 17 | 5 | 8 | 61 | 24 | 116 | 161 | 720 | 945 | -225 |
| 13 | 113 | 1,227 | 1,156 | 165 | 32 | 33 | 183 | 307 | 301 | 1,374 | 3,115 | 6,144 | -2929 |
| 14 | 2 | 54 | 95 | 0 | 0 | 6 | 16 | 13 | 34 | 24 | 292 | 278 | 21 |
| 15 | 11 | 28 | 29 | 1 | 1 | 1 | 18 | 6 | 27 | 37 | 259 | 358 | -99 |
| 16 | 13 | 224 | 200 | 10 | 11 | 28 | 49 | 49 | 247 | 169 | 991 | 1,041 | -50 |
| 17 | 8 | 43 | 124 | 5 | 0 | 12 | 18 | 2 | 123 | 82 | 436 | 465 | -29 |
| 18 | 42 | 160 | 484 | 52 | 0 | 5 | 31 | 16 | 136 | 506 | 1,634 | 1,618 | 16 |
| 19 | 12 | 139 | 168 | 8 | 0 | 8 | 61 | 13 | 47 | 169 | 652 | 754 | -102 |
| 20 | 19 | 274 | 319 | 0 | 0 | 23 | 43 | 30 | 111 | 309 | 1,130 | 1,134 | -4 |
| 21 | 20 | 410 | 451 | 15 | 3 | 103 | 181 | 23 | 81 | 304 | 1,602 | 975 | 627 |
| 22 | 13 | 198 | 181 | 10 | 1 | 9 | 20 | 36 | 87 | 106 | 661 | 804 | -143 |
| TOTAL | 608 | 5,973 | 9,321 | 822 | 27 | 602 | 1,831 | 1,854 | 2,750 | 7,267 | 36,324 | 34,620 | -4,304 |

**AVERAGE NUMBER OF CASE DISPOSITIONS PER JUDGE
IN EACH JUDICIAL DISTRICT
2000**

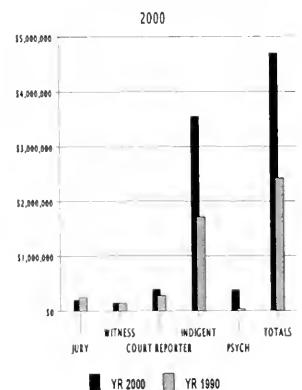
| Judicial District | No. of Judges per District | 2000 Average No. of Cases per Judge | '99 Average No. of Cases per Judge | 2000 Statewide Ranking No. of Cases Per Judge |
|-------------------|----------------------------|-------------------------------------|------------------------------------|---|
| 1 | 3 | 1042 | 1215 | 3 |
| 2 | 2 | 639 | 584 | 13 |
| 3 | 1 | 700 | 853 | 8 |
| 4 | 4 | 673 | 1042 | 9 |
| 5 | 1 | 661 | 592 | 10 |
| 6 | 1 | 558 | 649 | 16 |
| 7 | 2 | 292 | 388 | 21 |
| 8 | 3 | 979 | 1493 | 4 |
| 9 | 1 | 634 | 821 | 14 |
| 10 | 1 | 521 | 540 | 17 |
| 11 | 3 | 963 | 1212 | 5 |
| 12 | 1 | 770 | 945 | 7 |
| 13 | 5 | 1063 | 1390 | 2 |
| 14 | 1 | 299 | 278 | 20 |
| 15 | 1 | 259 | 358 | 22 |
| 16 | 2 | 496 | 521 | 18 |
| 17 | 1 | 436 | 465 | 19 |
| 18 | 2 | 817 | 809 | 6 |
| 19 | 1 | 652 | 754 | 12 |
| 20 | 2 | 565 | 1134 | 15 |
| 21 | 1 | 1602 | 975 | 1 |
| 22 | 1 | 661 | 0 | 11 |

District Court Criminal Reimbursement Program

Since July 1, 1985, the Supreme Court's OCA has administered the District Court Criminal Reimbursement Program (DCCRP). Funds are derived from a percentage of motor vehicle taxes for the following District Court expenses related to criminal felony cases: jury fees, witness fees, a percent of court reporter salaries, transcripts, indigent defense, and psychiatric examinations. In 1987, DCCRP was amended to provide that any excess funds be distributed in the form of grants to the counties. The Legislature also revised the DCCRP in 1999, providing for payment of District Court expenses related to Youths In Need Care (YINC).

In 2000, the DCCRP reimbursed both criminal case-related and YINC expenses at 100% and distributed a total of nearly \$812,000 in grants to 32 eligible counties.

District Court Reimbursement Program



| DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM - 2000 TOTAL REIMBURSEMENT BY CATEGORY | | | | | | | | |
|--|-------------------|-------------------|-------------------|---------------------|--------------------------|-------------------|---------------------|--------|
| County | Jury Services | Witness Services | Court Reporter | Indigent Defense | Psychiatric Examinations | Grant Received | | Totals |
| ANACONDA-DEER LODGE | \$ 1,602 | \$ 315 | \$ 2,156 | \$ 40,167 | \$ 11,465 | \$ - | \$ 55,705 | |
| BEAVERHEAD | 0 | 20 | 3,059 | 32,937 | 0 | 0 | \$ 36,016 | |
| BIG HORN | \$ 8,763 | \$ 15 | \$ 4,512 | 62,808 | 3,450 | 0 | \$ 80,046 | |
| BLAINE | 1,710 | 0 | 2,454 | 24,926 | 0 | 0 | \$ 29,090 | |
| BROADWATER | 411 | 0 | 2,583 | 16,009 | 0 | \$ 5,686 | \$ 24,689 | |
| BUTTE-SILVER BOW | 161 | 0 | 30,257 | 133,941 | 14,433 | 0 | \$ 178,792 | |
| CARBON | 3,162 | \$ 3 | 3,245 | 14,366 | 600 | 0 | \$ 21,476 | |
| CARTER | 0 | 0 | 542 | 476 | 0 | \$ 665 | \$ 1,883 | |
| CASCADE | 32,835 | 27,013 | 33,016 | 393,876 | \$ 66,596 | \$ 78,097 | \$ 651,433 | |
| CHOUTEAU | 8 | 2,036 | 2,521 | 7,350 | 800 | 0 | \$ 12,715 | |
| CUSTER | 5,768 | 10,633 | 11,987 | 117,550 | 7,112 | \$ 27,628 | \$ 180,678 | |
| DANIELS | 0 | 0 | 532 | 392 | 0 | \$ 2,798 | \$ 3,722 | |
| DAWSON | 2,732 | 3,942 | 8,302 | 27,934 | 2,000 | \$ 17,077 | \$ 61,467 | |
| FALLON | 601 | 0 | 1,667 | 13,771 | 0 | 0 | \$ 16,259 | |
| FERGUS | 10,298 | 7,633 | 7,733 | 89,270 | 2,600 | \$ 11,962 | \$ 129,496 | |
| FLATHEAD | 10,795 | 5,865 | 22,669 | 272,180 | 10,013 | \$ 26,131 | \$ 349,673 | |
| GALLATIN | 12,686 | 17,099 | 18,997 | 176,055 | 21,696 | \$ 28,871 | \$ 275,606 | |
| GARFIELD | 12 | \$ 96 | 560 | 2,621 | 0 | \$ 186 | \$ 3,977 | |
| GLACIER | 3,819 | 166 | 5,543 | 47,115 | 1,320 | \$ 7,397 | \$ 65,382 | |
| GOLDEN VALLEY | 0 | 0 | 784 | 4,844 | 1,800 | 0 | \$ 7,428 | |
| GRANITE | 0 | 0 | 424 | 3,373 | 0 | \$ 2,991 | \$ 6,788 | |
| HILL | 8,350 | 7,271 | 15,646 | 252,543 | 10,919 | \$ 23,419 | \$ 18,148 | |
| JEFFERSON | 568 | 222 | 4,052 | 28,945 | 0 | \$ 11,507 | \$ 45,314 | |
| JUDITH BASIN | 1,782 | 55 | 1,249 | 25,126 | 0 | 0 | \$ 28,212 | |
| LAKE | 5,224 | 4,205 | 6,845 | 115,456 | 62,043 | 0 | \$ 195,773 | |
| LEWIS & CLARK | 10,974 | 3,470 | 22,499 | 131,654 | 13,073 | \$ 123,556 | \$ 305,226 | |
| LIBERTY | 0 | 0 | 851 | 243 | 0 | 0 | \$ 1,094 | |
| LINCOLN | 6,912 | 2,952 | 5,250 | 75,204 | 15,861 | \$ 64,988 | \$ 171,167 | |
| MADISON | 126 | 1,217 | 2,415 | 10,902 | 2,665 | 141 | \$ 17,666 | |
| MCCONE | 0 | 0 | 1,199 | 3,325 | 0 | \$ 3,802 | \$ 8,326 | |
| MEACHER | 423 | 0 | 1,519 | 41,683 | 0 | \$ 2,778 | \$ 46,503 | |
| MINERAL | 300 | 601 | 1,504 | 17,264 | 3,650 | \$ 5,969 | \$ 29,488 | |
| MISSOULA | 9,469 | 2,550 | 42,634 | 344,036 | 27,876 | \$ 189,406 | \$ 615,871 | |
| MUSSELSHELL | 44 | 0 | 5,684 | 83,460 | 7,780 | 9,039 | \$ 106,007 | |
| PARK | 9,945 | 4,788 | 8,817 | 91,663 | 6,440 | \$ 3,891 | \$ 125,544 | |
| PETROLEUM | 0 | 0 | 196 | 60 | 0 | \$ 3,407 | \$ 3,683 | |
| PHILLIPS | 663 | 97 | 2,903 | 18,220 | 3,273 | 0 | \$ 25,156 | |
| PONDERA | 1,209 | 175 | 3,210 | 18,339 | 1,908 | 0 | \$ 24,841 | |
| POWDER RIVER | 493 | 10 | 734 | 2,693 | 0 | \$ 11,316 | \$ 15,248 | |
| POWELL | 0 | 1,265 | 1,271 | 10,836 | 3,875 | \$ 6,083 | \$ 25,332 | |
| PEAURIE | 0 | 0 | 639 | 0 | 0 | 0 | \$ 839 | |
| RAVALLI | 17,696 | 5,693 | 5,336 | 24,846 | 12,357 | \$ 5,073 | \$ 71,001 | |
| RICHLAND | 1,124 | 0 | 6,243 | 13,905 | 3,793 | \$ 9,541 | \$ 38,606 | |
| ROOSEVELT | 0 | 0 | 1,683 | 5,222 | 0 | 0 | \$ 6,905 | |
| ROSEBUD | 1,648 | 227 | 4,991 | 36,575 | 6,770 | 0 | \$ 50,411 | |
| SANDERS | 13,716 | 3,099 | 3,485 | 48,694 | 4,257 | 0 | \$ 73,253 | |
| SHERIDAN | 0 | 69 | 653 | 1,420 | 0 | 0 | \$ 2,342 | |
| STILLWATER | 1,267 | 263 | 2,535 | 20,845 | 0 | 0 | \$ 24,930 | |
| SWEET GRASS | 0 | 0 | 1,245 | 5,576 | 0 | \$ 641 | \$ 7,462 | |
| TETON | 3,475 | 6,842 | 4,291 | 15,225 | 0 | 0 | \$ 31,833 | |
| TOOLE | 0 | 149 | 4,370 | 20,064 | 0 | \$ 27,204 | \$ 51,787 | |
| TREASURE | 0 | 0 | 631 | 3,115 | 0 | \$ 2,691 | \$ 6,637 | |
| VALLEY | 1,510 | 4,444 | 3,421 | 36,443 | 2,000 | 0 | \$ 47,816 | |
| WHEATLAND | 37 | 963 | 2,379 | 25,377 | 900 | 0 | \$ 29,656 | |
| WIBAUX | 0 | 0 | 1,165 | 2,636 | 0 | 0 | \$ 3,821 | |
| YELLOWSTONE | 14,483 | 20,376 | 64,332 | 539,720 | 33,920 | \$ 93,307 | \$ 766,138 | |
| TOTALS | \$ 206,765 | \$ 148,941 | \$ 403,780 | \$ 3,553,296 | \$ 387,845 | \$ 811,752 | \$ 5,512,379 | |

Special Jurisdiction Courts

Workers Compensation Court

The Legislature created the Workers' Compensation Court (WCC) in 1975, to provide an efficient and effective forum for the resolution of disputes arising under the Workers' Compensation Act and the Occupational Disease Act. Subsequent Legislatures have increased the WCC's exclusive jurisdiction to include matters such as disputes involving independent contractor exemptions and enforcement of the Department of Labor's investigatory powers. The WCC conducts trials statewide and decides appeals from final orders of the Department of Labor. Decisions of the WCC are appealable directly to the Supreme Court.

The WCC Judge serves a six-year term and is appointed by the Governor from a list of applicants submitted by the Judicial Nomination Commission. The same qualifications for office apply to the WCC Judge as to District Court Judges. The WCC is attached to the Department of Labor for administrative purposes only.

In 2000, the WCC received 261 petitions/appeals. It conducted 64 trials and held 11 settlement conferences, with 10 of those matters being resolved. The WCC issued a total of 117 decisions, including 66 findings and conclusions, 8 orders on appeal, and 36 orders related to substantive issues. The remainder were attorney fees, costs, and other issues which were disposed of by bench ruling or conference with counsel.

Water Court

Montana's Water Court was created by the 1979 Legislature to expedite and facilitate the statewide adjudication of over 219,000 existing state law-based water rights, generally rights with a pre-July 1973 priority date, and federal and Indian reserved water rights. The Water Court has exclusive jurisdiction over the adjudication of existing water rights.

The Chief Justice of the Supreme Court appoints the Chief Water Judge from a list of nominees submitted by the Judicial Nomination Commission. A water judge is also designated for each of the state's four major water divisions by a majority vote of a committee composed of the District Court Judge from each single-judge judicial district and the chief District Court Judge from each multiple-judge judicial district, wholly or partly within each division. Water masters are appointed by the Chief Water Judge to assist the water judges.

The adjudication of federal and Indian reserved water rights is suspended until July 1, 2005, while state, federal and tribal authorities negotiate reserved water right compacts. Nine compacts have been approved by the Legislature. Four of these compacts have been submitted to the Water Court for approval. One has been approved and three have pending objections.

Montana Supreme Court

The Montana Supreme Court is comprised of a Chief Justice and six Justices. All are elected on a statewide, nonpartisan basis for eight-year terms. Under the Montana Constitution, the Supreme Court has

jurisdiction over appeals from all of the District Courts in the state; by statute, appeals from the Workers' Compensation Court and the Water Court also go directly to the Supreme Court. On legal questions of purely Montana law, the Supreme Court is the final arbiter.

The Montana Constitution also gives the Supreme Court original jurisdiction to hear and determine writs, such as for habeas corpus, and applications for supervisory control over District Court actions not yet final or ready for a regular appeal. Rules governing appellate procedure and practice and procedure for the state's other courts also are within the Supreme Court's authority.

Clerk of the Supreme Court

The Clerk of the Supreme Court is one of Montana's statewide elected officials in the judicial branch of government.

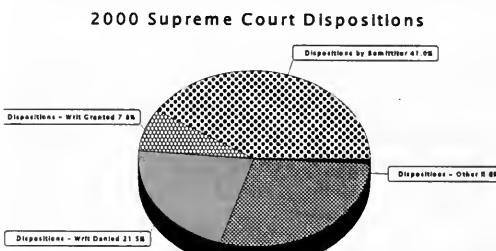


The current Clerk, Ed Smith of Helena, is the nineteenth person to hold the office.

Established in 1865, the office conducts the business of the Supreme Court, and serves

as the liaison between the public, attorneys and the Supreme Court. By statutory authority, the Clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the Supreme Court. Additionally, the Clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana's 3,700 attorneys.

Record filings continued to increase in 2000, resulting in a 38% gain in cases at the Supreme Court since 1994 (630 to 868).



- Dispositions by Remittitur
- Dispositions - Writ Granted
- Dispositions - Writ Denied
- Dispositions by Dismissal
- Dispositions - Other

2000 Supreme Court Caseload Statistics

| | |
|------------------------------------|------------|
| Filings carried over from 1999 | 557 |
| New Civil Filings | 420 |
| New Criminal Filings | <u>448</u> |
| Total New Filings: | 868 |
| Dispositions by Remittitur in 2000 | 346 |
| Dispositions by Dismissal in 2000 | 245 |
| Dispositions - Writ Denied | 181 |
| Dispositions - Writ Granted | 66 |
| Dispositions - Other | <u>5</u> |
| Total Dispositions: | 843 |

| | |
|--|------------|
| Opinions by five-justice panel – after submission on briefs: | 294 |
| Opinions by all seven justices – after submission on briefs: | 63 |
| Opinions by all seven justices – after oral argument: | 32 |
| Total Formal Opinions: | 389 |
| Cases Pending as of December 31, 2000: | 577 |

Office of the Court Administrator

Prior to 1975, court administration was handled by the Chief Justice. The Office of the Court Administrator (OCA) was recommended in a study of the judicial system by the Board of Crime Control in 1975 and authorized by the Legislature in 1977 (§3-1-701, MCA). The Supreme Court established the office thereafter to assist with administrative duties.

The Court Administrator is the administrative officer of the Supreme Court. Under the direction of the Supreme Court, the Court Administrator is required by statute to:

1. prepare and present the judicial budget to the Legislature;
2. collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the Legislature on request;
3. recommend improvements in the judiciary to the Supreme Court;
4. administer state funding for District Courts; and
5. perform other duties assigned by the Supreme Court.

Other duties currently performed by the OCA include supporting the boards and commissions that are attached to the Supreme Court, arranging certification and education for judges, participating in Clerks of District Court conferences and implementing statewide judicial automation. The OCA provides the Supreme Court with an administrative arm to oversee essential operations and daily tasks for the Supreme Court and the people of Montana. The OCA's workload will increase substantially with the 2001 Legislature's passage of state assumption of District Court funding.

Judicial Automation:

Montana District Court Judicial Case Management System and Courts of Limited Jurisdiction Case Management System

The Automation Program in the OCA is responsible for court information technology throughout the state. In 2000, the OCA's automation team maintained the case management systems in both District Courts and Courts of Limited Jurisdiction. Additionally, the team installed hardware upgrades in Courts of Limited Jurisdiction to accommodate the new case management program, FullCourt, with deployment planned for 2001.

Currently, 36 of the 56 District Courts are networked and the automation team continues to assist other courts with networking solutions. The jury module of the District Court Judicial Case Management System (JCMS) has been completed and installed in 15 courts for testing. In addition to the jury module for JCMS, the random judge selection component also was added. Currently, Yellowstone County and Flathead County are testing the imaging segment of

JCMS with roll out expected in 2001. Development of the graphical case management system for the District Courts continues, with expected deployment in the fall of 2001.

Court Assessment Program

The Court Assessment Program was established in June of 1995. It is funded through a federal grant with a state match to improve the court system in child abuse and neglect cases. The purpose of the program is to assess the court system, make recommendations based on that assessment, and implement those recommendations to improve the system for children and families. Recommendations include improving representation for children, parents and the state; improving judicial oversight of child welfare cases by increasing judicial knowledge in child abuse and neglect law; and enabling courts to hold effective hearings and case reviews within limited time periods. These recommendations will continue to be implemented through changes in state statutes, the state Court Appointed Special Advocate program, judicial and attorney training, the mediation program, the child advocacy law class, the Yellowstone County Family Drug Court, a child advocacy web page, and a judicial teleconferencing system.

Citizen Review Board Program

In 1993, the Legislature established the Local Citizen Review Board (CRB) Pilot Program and attached it to the OCA. In the communities where it operates, the CRB independently reviews each child's placement in out-of-home care at least every six months. CRBs are comprised of volunteer citizens in the community.

Five CRB pilot sites were established between 1994 and 2000 and the first operational CRB was created by the Fourth Judicial District Court in Missoula County. Currently, there are 12 CRBs with 5 volunteer members on each board. The CRB members and alternates are recruited, trained, and continue to receive on-going education on child abuse and neglect issues. The members are dedicated and committed to the children in foster care. They are selected by the District Court Judges and receive no compensation for their work.

The 2001 Legislature removed the CRB's pilot status and the program is now permanent.

-Purpose of Citizen Review Boards-
The main purpose of CRBs is to achieve permanency in a timely manner for children in out-of-home care. This is accomplished by:

- Developing findings and recommendations to achieve timely permanency;
- Monitoring the child's health, safety and progress toward permanency;
- Monitoring reasonable efforts toward permanency and decision-making process and time frames as required by the federal Adoption and Safe Families Act (ASFA);
- Holding individuals, organizations and systems accountable for achieving positive outcomes for children in foster care;
- Promoting community participation in decision-making, thereby enhancing public confidence in Montana's child protection system;
- Influencing foster care decision makers to improve policy, practice and service to more effectively address the needs of children in care;

- Building a citizen advocacy for abused and neglected children and the systems that serve them.

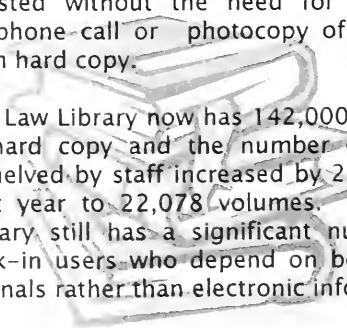
-Citizen Review Boards Statistics-

In fiscal year 2000, there were 390 open cases being reviewed under the auspices of the CRB. 173 cases closed during that fiscal year. The CRB conducted 820 reviews, representing 453 individual children.

State Law Library

The State Law Library is statutorily responsible for maintaining an adequate legal collection and services to fulfill the needs of the Supreme Court, the Legislature, state officers and employees, attorneys and the general public. The Justices of the Supreme Court serve as the Library's Board of Trustees.

The Law Library's digital outreach continues to expand as more online material is added and Law Library staff teach researchers how to use CD-ROM's, electronic databases, and the Internet. More and more people send their reference questions to the Law Library's web site at www.lawlibrary.state.mt.us, and they are assisted without the need for a single telephone call or photocopy of material from hard copy.



The Law Library now has 142,000 volumes in hard copy and the number of books reshelfed by staff increased by 28% in the past year to 22,078 volumes. The Law Library still has a significant number of walk-in users who depend on books and journals rather than electronic information.

Law Library reference requests increased by 21% in 2000 as a result of the increase in

non-lawyer clientele of the Law Library. Self-represented parties generally need much more assistance than do those who have formally studied the law. The Director of the Law Library has worked closely with the Clerks of District Court around the state to assure them in referring their customers to the Law Library for assistance. The Law Library's Pro Bono Legal Clinic won an award for excellence in service to the under-represented, and continues to be mentioned as a model of agencies cooperating to provide service to those in need of legal assistance.

Boards and Commissions of the Supreme Court and Statutory Commissions

In addition to its obligations in exercising original and appellate jurisdiction, the Supreme Court is responsible for a variety of other matters including rulemaking and overseeing the administration of justice in Montana. One of the Supreme Court's important constitutional obligations is to make rules for admission to the practice of law and the conduct of Montana lawyers. As explained below, the Supreme Court has established a Commission on Practice to assist in the process of disciplining lawyers who have violated rules of professional conduct applying to all lawyers who practice in Montana. In addition to the other Commissions and groups discussed below, the Supreme Court has created bar admission-related groups to check on an applicant's character and fitness and to write, give and score the Montana Bar examination, and Commissions on civil and appellate procedural rules, evidence, and civil and criminal jury instructions. In 2000, the Supreme Court established new Commissions on Self-Represented Litigants

and Gender Fairness and, at the request of the State Bar of Montana, an Equal Justice Task Force.

Commission on Unauthorized Practice

The Commission on Unauthorized Practice is comprised of four lawyers, four lay people and one who may be either. All are appointed by the Supreme Court for three-year terms. The Commission investigates complaints that a person is practicing law without a license. In addition to investigating, the Commission has been directed by the Supreme Court to make recommendations which will ameliorate the problems associated with the unauthorized practice of law without a license.

Sentence Review Division

The Sentence Review Division (Division) of the Supreme Court is comprised of three District Court Judges appointed by the Chief Justice of the Supreme Court for three-year terms.

Individuals sentenced to the Montana State Prison, the Montana Women's Prison or the Department of Corrections (DOC) for one year or more and actually taken into custody may request a review of the sentence they received in a District Court.

The Division meets four times a year in Deer Lodge at the Montana State Prison and twice a year in Billings at the Montana Women's Prison.

In 2000, the Division received a total of 112 Applications for Review of Sentence. Of the sentences reviewed, 33 were affirmed; 4 were decreased; 11 were increased; 6 were converted from prison to DOC commitments; and 3 were remanded back to

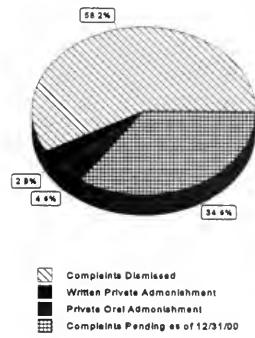
the District Court for clarification of the sentence. Of the remaining applications, 13 were continued; 40 were dismissed on request of the defendant; and 2 were held in abeyance pending the outcome of an appeal.

Commission on Practice

The Supreme Court created its Commission on Practice in 1965 to review complaints alleging unethical conduct by Montana attorneys. The Commission also is responsible for reporting on the merits of petitions for reinstatement to the practice of law.

The Commission currently is comprised of eight attorney members appointed by the Supreme Court, following an election by attorneys in specific areas of the state, and three lay members appointed by the Supreme Court. Members serve four-year terms.

Disposition of Complaints



2000 Caseload Statistics

| | |
|--------------------------------|-----|
| Complaints Filed in 2000 | 262 |
| Complaints Pending as 12/31/99 | 165 |

| | |
|-------|-----|
| Total | 427 |
|-------|-----|

Disposition of Complaints:

| | |
|-----------------------------------|------------|
| Complaints Dismissed | 237 |
| Written Private Admonishment | 12 |
| Private Oral Admonishment | 18 |
| Public Censure | 8 |
| Suspension of License | 9 |
| Disbarment | 2 |
| Reinstatement Hearings | 1 |
| Complaints Pending as of 12/31/00 | <u>140</u> |
| Total | <u>427</u> |

Judicial Nomination Commission

The Judicial Nomination Commission provides the Governor a list of qualified candidates for appointment to fill vacancies on the Supreme Court, District Courts and the Workers' Compensation Court. The Commission also provides the Chief Justice a list of qualified candidates for appointment to fill the position of Chief Water Court Judge.

Judicial Standards Commission

The 1972 Montana Constitution required the Legislature to create a Judicial Standards Commission to investigate complaints against judges and, where appropriate, recommend discipline to the Supreme Court. The Legislature did so in 1973.

The Commission is composed of two District Court Judges elected by the District Court Judges, one attorney appointed by the Supreme Court, and two lay members appointed by the Governor. Members serve four-year terms.

2000 Caseload Statistics

| | |
|-----------------------------------|-----------|
| Complaints Filed in 2000 | 43 |
| Complaints Pending as of 12/31/99 | <u>13</u> |
| Total | <u>56</u> |

Disposition of Complaints:

| | |
|-----------------------------------|-----------|
| Dismissed | 32 |
| Admonition | 2 |
| Private Reprimand | 1 |
| Public Reprimand | 1 |
| Censure | 0 |
| Suspension | 0 |
| Removed from Bench | 0 |
| Permanent Removal | 0 |
| Complaints Pending as of 12/31/00 | <u>18</u> |
| Total | <u>56</u> |



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